UNITED
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CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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COMMITTEE AGAINST TORTURE
Fourth Session

STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, AND RESERVATIONS, DECLARATIONS AND OBJECTIONS UNDER THE CONVENTION

Note by the Secretary-General

Addendum

As at 1 March 1990, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been ratified or acceded to by 51 States. In addition, 22 States had signed the Convention. The list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, is contained in annex I to the present document. Annex II contains the texts of reservations and declarations (part A), withdrawal of reservations (part B), and objections to reservations and declarations (part C), made by States with respect to the Convention since the issuance of document CAT/C/2/Add.1, i.e. from 1 September 1989 to 1 March 1990.

Declarations made by States parties during the same period, recognizing the competence of the Committee against Torture under articles 21 and 22 of the Convention, are reproduced in annex II, part D. The provisions of articles 21 and 22 entered into force on 26 June 1987 in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

GE.90-11855/1661B

ANNEX I

List of States which have signed, ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as at 1 March 1990

State	Date of signature	Date of receipt of the instrument of ratification or accession
Afghanistan	4 February 1985	1 April 1987
Algeria	26 November 1985	12 September 1989
Argentina a/	4 February 1985	24 September 1986
Australia	10 December 1985	8 August 1989
Austria a/	14 March 1985	29 July 1987
Belgium	4 February 1985	
Belize		17 March 1986 b/
Bolivia	4 February 1985	
Brazil	23 September 1985	28 September 1989
Bulgaria	10 June 1986	16 December 1986
Byelorussian Soviet Socialist Republic	19 December 1985	13 March 1987
Cameroon		19 December 1986 b/
Canada	23 August 1985	24 June 1987
Chile	23 September 1987	30 September 1988
China	12 December 1986	4 October 1988
Colombia	10 April 1985	8 December 1987
Costa Rica	4 February 1985	
Cuba	27 January 1986	
Cyprus	9 October 1985	
Czechoslovakia	8 September 1986	7 July 1988
Denmark a/	4 February 1985	27 May 1987
Dominican Republic	4 February 1985	

State	Date of signature	Date of receipt of the instrument of ratification or accession
Ecuador a/	4 February 1985	30 March 1988
Egypt		25 June 1986 b/
Finland a/	4 February 1985	30 August 1989
France a/	4 February 1985	18 February 1986
Gabon	21 January 1986	
Gambia	23 October 1985	
German Democratic Republic	7 April 1986	9 September 1987
Germany, Federal Republic of	13 October 1986	
Greece a/	4 February 1985	6 October 1988
Guatemala		5 January 1990 b/
Guinea	30 May 1986	10 October 1989
Guyana	25 January 1988	19 May 1988
Hungary	28 November 1986	15 April 1987
Iceland	4 February 1985	
Indonesia	23 October 1985	
Israel	22 October 1986	
Italy	4 February 1985	12 January 1989
Libyan Arab Jamahiriya		16 May 1989 b/
Liechtenstein	27 June 1985	
Luxembourg a/	22 February 1985	29 September 1987
Mexico	18 March 1985	23 January 1986
Morocco	8 January 1986	
Netherlands a/	4 February 1985	21 December 1988
New Zealand	14 January 1986	10 December 1989
Nicaragua	15 April 1985	
Nigeria	28 July 1988	

State	Date of signature	Date of receipt of the instrument of ratification or accession
Norway a/	4 February 1985	9 July 1986
Panama	22 February 1985	24 August 1987
Paraguay	23 October 1989	
Peru	29 May 1985	7 July 1988
Philippines		18 June 1986 b/
Poland	13 January 1986	26 July 1989
Portugal a/	4 February 1985	9 February 1989
Senegal	4 February 1985	21 August 1986
Sierra Leone	18 March 1985	
Somalia		24 January 1990 b/
Spain a/	4 February 1985	21 October 1987
Sudan	4 June 1986	
Sweden a/	4 February 1985	8 January 1986
Switzerland a/	4 February 1985	2 December 1986
Togo a/	25 March 1987	18 November 1987
Tunisia a/	26 August 1987	23 September 1988
Turkey a/	25 January 1988	2 August 1988
Uganda		3 November 1986 b/
Ukrainian Soviet Socialist Republic	27 February 1986	24 February 1987
Union of Soviet Socialist Republics	10 December 1985	3 March 1987
United Kingdom of Great Britain and Northern Ireland c/	15 March 1985	8 December 1988

READEX FICHE

State	Date of signature	Date of receipt of the instrument of ratification or accession
United States of America	18 April 1988	
Uruguay a/	4 February 1985	24 October 1986
Venezuela	15 February 1985	
Yugoslavia	18 April 1989	

Notes

a/ Made the declaration under articles 21 and 22 of the Convention.

b/ Accession.

c/ Made the declaration under article 21.

ANNEX II

A. Declarations and reservations

NEW ZEALAND

[Original: English]

Upon ratification

The Government of New Zealand reserves the right to award compensation to torture victims referred to in article 14 of the Convention only at the discretion of the Attorney-General of New Zealand.

B. Withdrawal of reservations

HUNGARY

[Original: Hungarian]

13 September 1989

The Government of Hungary notified the Secretary-General, in a communication received on 13 September 1989, that it had decided to withdraw the reservations relating to article 20 and article 30, paragraph 1 of the Convention, made upon ratification. 1/

C. Objections to reservations and declarations

AUSTRALIA

[Original: English]

Upon ratification

The Government of Australia has examined the declaration made by the German Democratic Republic upon ratification [of the Convention]. 1/

The Government of Australia considers that this declaration is incompatible with the object and purpose of the Convention and, accordingly, hereby conveys Australia's objection to the declaration.

[Original: English]

7 November 1989

The Government of Australia has examined the reservations made by Chile with respect to article 2, paragraph 3, and article 3 of the Convention, 2/ and has come to the conclusion that these reservations are incompatible with the object and purpose of the Convention and therefore are impermissible under article 19 of the Vienna Convention on the Law of Treaties. The Government of Australia therefore objects to these reservations. This objection does not have the effect of preventing the Convention from entering into force between Australia and Chile, and the aforementioned reservations cannot alter or modify, in any respect, the obligations arising from the Convention.

AUSTRIA

[Original: English]

9 November 1989

The reservations made by the Republic of Chile with respect to article 2, paragraph 3, and article 3 of the Convention, 2/ are incompatible with the object and purpose of the Convention and are therefore impermissible under article 19 (c) of the Vienna Convention on the Law of Treaties. The Republic of Austria therefore objects to these reservations and states that they cannot alter or modify, in any respect, the obligations arising from the Convention for all States parties thereto.

CANADA

[Original: English]

23 October 1989

The Government of Canada hereby formally objects to the reservations made by Chile in respect of article 2, paragraph 3, and article 3 of the Convention. 2/ The reservations made by Chile are incompatible with the object and purpose of the Convention and are thus inadmissible under article 19 (c) of the Vienna Convention on the Law of Treaties.

CZECHOSLOVAKIA

[Original: English]

20 September 1989

The Czechoslovak Socialist Republic considers the reservations of the Government of Chile with respect to article 2, paragraph 3, and article 3 of the Convention, 2/ as incompatible with the object and purpose of this Convention.

The obligation of each State to prevent acts of torture in any territory under its jurisdiction is unexceptionable. It is the obligation of each State to ensure that all acts of torture are offences under its criminal law. This obligation is confirmed, inter alia, in article 2, paragraph 3, of the Convention concerned.

The observance of the provisions set out in article 3 of the Convention is necessitated by the need to ensure more effective protection for persons who might be in danger of being subjected to torture, and this is obviously one of the principal purposes of the Convention.

Therefore, the Czechoslovak Socialist Republic does not recognize these reservations as valid.

DENMARK

[Original: English]

7 September 1989

The Government of Denmark hereby enters its formal objection to the reservations to article 2, pragraph 3, and article 3 of the Convention, made by the Government of Chile upon ratification of the Convention on 30 September 1988. 2/

The Danish Government considers the said reservations as being incompatible with the object and purpose of the Convention and therefore invalid.

This objection is not an obstacle to the entry into force of the said Convention between Denmark and Chile.

FINLAND

[Original: English]

20 October 1989

The Government of Finland hereby enters its formal objection to the reservations to article 2, paragraph 3, and article 3 of the Convention, made by the Government of Chile upon ratification of the Convention on 30 September 1988. 2/

The Government of Finland considers the said reservations as being incompatible with the object and purpose of the Convention and therefore invalid.

This objection is not an obstacle to the entry into force of the said Convention between Finland and Chile.

[Original: English]

20 October 1989

The Government of Finland has examined the content of the declaration made by the German Democratic Republic upon ratification of the Convention. 1/ ...

The Government of Finland cannot accept this declaration made by the German Democratic Republic. The Government of Finland considers that any such declaration is without legal effect, and cannot in any manner diminish the obligation of a Government to contribute to the costs of the Committee in conformity with the provisions of the Convention.

FRANCE

[Original: French]

20 September 1989

Upon its ratification of the Convention, Chile made reservations to article 2, paragraph 3, and article 3 of the Convention. 2/

France considers that the reservations made by Chile are not valid as being incompatible with the object and purpose of the Convention.

Such objection is not an obstacle to the entry into force of the Convention between France and Chile.

GREECE

[Original: French]

13 October 1989

Greece does not accept the reservations made by Chile in respect of article 2, paragraph 3, and article 3, since they are incompatible with the purpose and object of the Convention. 2/

The above-mentioned objection is not an obstacle to the entry into force of the Convention between Greece and Chile.

LUXEMBOURG

[Original: French]

12 September 1989

At the time of its ratification of the Convention, on 30 September 1988, Chile made reservations regarding article 2, paragraph 3, and article 3 of the Convention. 2/

The Grand Duchy of Luxembourg objects to those reservations, which are incompatible with the intent and purpose of the Convention.

This objection does not represent an obstacle to the entry into force of the said Convention between the Grand Duchy of Luxembourg and Chile.

NETHERLANDS

[Original: English]

7 November 1989

The Government of the Kingdom of the Netherlands objects to the reservations to article 2, paragraph 3, and article 3 of the Convention, made by Chile upon ratification on 30 September 1988, 2/ as being contrary to the object and purpose of that Convention.

Since the purpose of the Convention is the strengthening of the existing prohibition of torture and similar practices, the reservation to article 2, paragraph 3, to the effect that an order from a superior officer or a public authority may - in some cases - be invoked as a justification for torture, must be rejected as contrary to the object and purpose of the Convention.

For similar reasons, the reservation to article 3 must be regarded as incompatible with the object and purpose of the Convention.

These objections are not an obstacle to the entry into force of this Convention between the Kingdom of the Netherlands and Chile.

NORWAY

[Original: English]

28 September 1989

The Government of Norway hereby objects to the reservations to article 2, paragraph 3, and article 3 of the Convention, made by the Government of Chile upon ratification of the Convention on 30 September 1988. 2/ The Government of Norway considers the said reservations as being incompatible with the object and purpose of the Convention and therefore invalid.

This objection is not an obstacle to the entry into force of the said Convention between Norway and Chile.

PORTUGAL

[Original: English]

6 October 1989

The Government of Portugal hereby presents its formal objection to the reservations to article 2, paragraph 3 and article 3 of the Convention, made by the Government of Chile upon ratification of the said Convention. 2/

The Government of Portugal considers such reservations to be incompatible with the object and purpose of this Convention and therefore invalid.

This objection does not constitute an obstacle to the entry into force of the Convention between Portugal and Chile.

SPAIN

[Original: Spanish]

26 September 1989

The Government of the Kingdom of Spain declares that it objects to the reservations made by Chile to article 2, paragraph 3, and article 3 of the Convention, 2/ because the aforementioned reservations are contrary to the purposes and aims of the Convention.

The present objection does not constitute an obstacle to the entry into force of the Convention between Spain and Chile.

SWEDEN

[Original: English]

25 September 1989

The Swedish Government has examined the reservations made by Chile with respect to article 2, paragraph 3, and article 3 of the Convention, 2/ and has come to the conclusion that these reservations are incompatible with the object and purpose of the Convention and are therefore impermissible under article 19 (c) of the Vienna Convention on the Law of Treaties. For this reason the Government of Sweden objects to these reservations. This objection does not have the effect of preventing the Convention from entering into force between Sweden and Chile, and the said reservations cannot alter or modify, in any respect, the obligations arising from the Convention.

SWITZERLAND

[Original: French]

8 November 1989

The Swiss Government objects to the following reservations made by the Republic of Chile upon ratification [of the Convention] on 30 September 1988: 2/

Reservation (a), according to which the Government of Chile will not apply article 2, paragraph 3, in so far as it modifies the principle of "obedience upon reiteration" contained in Chilean domestic law;

Reservation (b) to article 3 (principle of non-refoulement).

These reservations are not compatible with the object and purpose of the Convention, which are to improve respect for a human right of fundamental importance and to make more effective the struggle against torture throughout the world.

This objection does not have the effect of preventing the Convention from entering into force between the Swiss Confederation and the Republic of Chile.

TURKEY

[Original: English]

3 November 1989

The Government of Turkey presents its formal objection to the reservation regarding article 2, paragraph 3, of the Convention, made by the Government of Chile upon ratification of the said Convention. 2/

The Government of Turkey considers such reservations to be incompatible with the object and purpose of this Convention and therefore invalid.

This objection does not constitute an obstacle to the entry into force of the Convention between Turkey and Chile.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

8 November 1989

(a) The reservations to article 28, paragraph 1, and to article 30, paragraph 1, being reservations expressly permitted by the Convention, do not call for any observations by the United Kingdom.

(b) The United Kingdom takes note of the reservation referring to the Inter-American Convention to Prevent and Punish Torture, which cannot, however, affect the obligations of Chile in respect of the United Kingdom, as a non-party to the said Convention.

(c) The United Kingdom is unable to accept the reservation to article 2, paragraph 3, or the reservation to article 3 [made by Chile upon ratification of the Convention]. 2/

D. Declarations by States parties recognizing the competence of the Committee against Torture under articles 21 and 22 of the Convention

ALGERIA

[Original: French]

Upon ratification

1. The Algerian Government declares, pursuant to article 21 of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under this Convention.

2. The Algerian Government declares, pursuant to article 22 of the Convention, that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

CANADA

[Original: English]

13 November 1989

1. The Government of Canada declares that it recognizes the competence of the Committee against Torture, pursuant to article 21 of the Convention, to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under this Convention.

2. The Government of Canada declares that it recognizes the competence of the Committee against Torture, pursuant to article 22 of the Convention, to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

HUNGARY

[Original: Hungarian]

13 September 1989

On 13 September 1989, the Secretary-General received from the Government of Hungary a declaration made under articles 21 and 22 of the Convention by which the Government of Hungary recognized the competence of the Committee against Torture.

ITALY

[Original: English]

10 October 1989

1. Italy hereby declares, in accordance with article 21, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State party is not fulfilling its obligations under this Convention.

2. Italy hereby declares, in accordance with article 22, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of violations by a State party of the provisions of the Convention.

NEW ZEALAND

[Original: English]

Upon ratification

The Government of New Zealand declares:

1. In accordance with article 21, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention; and,

2. In accordance with article 22, paragraph 1, of the Convention, that it recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

Notes

1/ See document CAT/C/2, annex II, part A.

2/ See document CAT/C/2/Add. 1, annex II, part A.